

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
(ATLANTA DIVISION)**

DAVID ANDREW BERO,

Plaintiff,

v

EQUIFAX INFORMATION
SERVICES, LLC, LEXIS
NEXIS RISK SOLUTIONS,
INC.

Defendants.

CASE NO. 1:23-cv-02390-AT-JKL

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC’S
ANSWER TO PLAINTIFF’S COMPLAINT**

Defendant, Equifax Information Services LLC (“Equifax”), by Counsel, files its Answer to Plaintiff’s Complaint (“Complaint”) as follows:

PRELIMINARY STATEMENT

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations in the headings and/or unnumbered paragraphs in the Complaint.

ANSWER

In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

INTRODUCTION

1. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. Equifax admits it is a consumer reporting agency as defined by the FCRA.

5. Equifax states that the consumer report speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the consumer report, Equifax denies the remaining allegations in Paragraph 5.

6. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 6.

7. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining

allegations in Paragraph 7.

8. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 8.

9. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 9.

10. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 10.

11. Equifax admits Plaintiff purports to bring claims pursuant to the Fair Credit Reporting Act (“FCRA”). Equifax denies any allegation it violated the FCRA.

PARTIES

12. Equifax admits that plaintiff is a consumer as defined by the FCRA. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 12.

13. Equifax admits to the allegations in Paragraph 13.

14. Equifax admits to the allegations in Paragraph 14.

15. Equifax is without knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 15.

16. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

JURISDICTION AND VENUE

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

FACTS

The Credit Bureau Defendants' Practices Concerning the Sale of Credit Reports on the "Deceased"

24. Equifax states that the credit report speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the credit report, Equifax denies the remaining allegations in Paragraph 24.

25. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 25.

26. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 26.

27. Equifax states that the credit report speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the credit report, Equifax denies the remaining allegations in Paragraph 27.

28. Equifax receives information from data furnishers. Equifax admits it uses Metro 2. Equifax further states it is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. Equifax denies the allegations in Paragraph 29.

30. Equifax denies the allegations in Paragraph 30.

31. Equifax denies the allegations in Paragraph 31.

32. Equifax denies the allegations in Paragraph 32.

33. Equifax receives information from the Social Security Administration.

Equifax further denies the remaining allegations in Paragraph 33.

34. Equifax denies the allegations in Paragraph 34.

35. Equifax denies the allegations in Paragraph 35.

36. Equifax denies the allegations in Paragraph 36.

37. Equifax denies the allegations in Paragraph 37.

38. Equifax states that the consumer report speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the consumer report, Equifax denies the remaining allegations in Paragraph 38.

39. Equifax denies the allegations in Paragraph 39.

40. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. Equifax denies the allegations in Paragraph 43.

44. Equifax states that the disputes speak for themselves. To the extent

Plaintiff misstates, misquotes, or mischaracterizes the disputes, Equifax denies the remaining allegations in Paragraph 44.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. Equifax denies the allegations in Paragraph 46.

47. Equifax denies the allegations in Paragraph 47.

48. Equifax denies the allegations in Paragraph 48.

49. Equifax denies the allegations in Paragraph 49.

50. Equifax denies the allegations in Paragraph 50.

51. Equifax denies the allegations in Paragraph 51.

52. Equifax denies the allegations in Paragraph 52.

53. Equifax denies the allegations in Paragraph 53.

54. Equifax admits the allegations in Paragraph 54.

55. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

57. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57.

58. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

59. Equifax denies the allegations in Paragraph 59.

60. Equifax denies the allegations in Paragraph 60.

61. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the remaining allegations in Paragraph 61.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62.

Plaintiff's July 2021 Telephonic Dispute with the Credit Bureau

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

The Credit Bureaus' Method for Considering Consumer Credit Report Disputes

64. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the FCRA, the remaining allegations in Paragraph 64 are denied.

65. Equifax admits it uses e-OSCAR.

66. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66.

67. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67.

68. Equifax admits it uses ACDVs.

69. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69.

70. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70.

71. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71.

72. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72.

73. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73

Equifax's Response to Plaintiff's July 2021 Dispute

74. Equifax states that the dispute speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the dispute, the remaining allegations in Paragraph 74 are denied.

75. Equifax states that the dispute speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the dispute, the remaining allegations

in Paragraph 75 are denied.

76. Equifax denies the allegations in Paragraph 76.

77. Equifax denies the allegations in Paragraph 77.

Lexis Nexis's Response to Plaintiff's July 2021 Dispute

78. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78.

79. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79.

80. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80.

81. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81.

**Capital One Bank USA N.A. Denies Plaintiff Credit Due to Inaccurate
Credit Reporting July 19, 2021**

82. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82.

83. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83.

84. Equifax is without knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 84.

Equifax Fails to Verify Plaintiff's Identity and Fails to Provide Credit

Disclosure in August 2021

85. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85.

86. Equifax denies the allegations in Paragraph 86.

87. Equifax denies the allegations in Paragraph 87.

88. Equifax denies reporting inaccurate information. Equifax further states that the disputes speak for themselves. To the extent Plaintiff misstates, misquotes, or takes out of context the dispute, the remaining allegations in Paragraph 88 are denied.

LexisNexis's Response to Plaintiff's November 2021 Dispute

89. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89.

90. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90.

91. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91.

92. Equifax is without knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 92.

93. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93.

Equifax's Response to Plaintiff's December 2021 Dispute

94. Equifax denies the allegations in Paragraph 94.

95. Equifax states that the dispute speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the dispute, the remaining allegations in Paragraph 95 are denied.

96. Equifax states that the reinvestigation speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the reinvestigation, the remaining allegations in Paragraph 96 are denied.

97. Equifax denies the allegations in Paragraph 97.

Lexis Nexis's Response to Plaintiff's December 2021 Dispute

98. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

99. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99.

100. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100.

101. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101.

Lexis Nexis's Fails to Verify Plaintiff's Identity December 2021

102. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102.

103. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103.

104. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104.

Lexis Nexis's Fails to Verify Plaintiff's Identity January 2022

105. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105.

106. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106.

107. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107.

Plaintiff's Dispute with Lexis Nexis's in March 2022

108. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108.

Lexis Nexis's Response to Plaintiff's March 2022 Dispute

109. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109.

110. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110.

111. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111.

112. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112.

113. Equifax denies the allegations in Paragraph 113.

114. Equifax denies the allegations in Paragraph 114.

115. Equifax denies the allegations in Paragraph 115.

116. Equifax denies the allegations in Paragraph 116.

117. Equifax denies the allegations in Paragraph 117.

118. Equifax denies the allegations in Paragraph 118.

119. Equifax denies the allegations in Paragraph 119.

120. Equifax denies the allegations in Paragraph 120.

121. Equifax denies the allegations in Paragraph 121.

CLAIMS FOR RELIEF

COUNT I
15 U.S.C. § 1681e(b))
Failure to Follow Reasonable Procedures to Assure Maximum Possible Accuracy
(First Claim for Relief Against Defendants Equifax and Lexis Nexis)

122. Equifax reasserts and re-alleges its responses and defenses as set forth herein.

123. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the FCRA, the remaining allegations in Paragraph 123 are denied.

124. Equifax denies the allegations in Paragraph 124.

125. Equifax denies the allegations in Paragraph 125.

126. Equifax denies the allegations in Paragraph 126.

127. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127.

128. Equifax denies the allegations in Paragraph 128.

129. Equifax denies the allegations in Paragraph 129.

COUNT II
15 U.S.C. § 1681i
Failure to Perform a Reasonable Investigation
(Second Claim for Relief Against Defendants Equifax and Lexis Nexis)

130. Equifax reasserts and re-alleges its responses and defenses as set forth herein.

131. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the FCRA, the remaining allegations in Paragraph 131 are denied.

132. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or takes out of context the FCRA, the remaining allegations in Paragraph 132 are denied.

133. Equifax states that the disputes speak for themselves. To the extent Plaintiff misstates, misquotes, or takes out of context the disputes, the remaining allegations in Paragraph 133 are denied.

134. Equifax denies the allegations in Paragraph 134.

135. Equifax denies the allegations in Paragraph 135.

136. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136.

137. Equifax denies the allegations in Paragraph 137.

138. Equifax denies the allegations in Paragraph 138.

COUNT III
15 U.S.C. § 1681g
Failure to Provide Disclosure to Plaintiff

139. Equifax reasserts and re-alleges its responses and defenses as set forth herein.

140. Equifax denies the allegations in Paragraph 140.

141. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141.

142. Equifax denies the allegations in Paragraph 142.

143. Equifax denies the allegations in Paragraph 143.

PRAYER FOR RELIEF

144. Equifax denies that Plaintiff is entitled to any relief sought in the paragraphs contained in his Prayer for Relief.

145. Any allegation in Plaintiff's Complaint not heretofore specifically responded to by Equifax is hereby expressly denied.

WHEREFORE, having fully answered or otherwise responded to the allegations in Plaintiff's Complaint, Equifax prays that:

(1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;

(2) it recover such other and additional relief as the Court deems just and appropriate.

DEMAND FOR JURY TRIAL

146. Equifax admits that Plaintiff demands a trial by jury.

Respectfully submitted this 16th day of October, 2023.

**EQUIFAX INFORMATION
SERVICES LLC**

/s/ N. Charles Campbell

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